IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2343 OF 2005

IN

SUIT NO.1586 OF 1982

M/s Prakash Cotton Mills Pvt.Ltd. ...Plaintiffs

v/s

M/s Texmaco Ltd. ...Defendants

Ms Subramaniam for Plaintiffs.

Ms Pooniwala i/b M/s Mulla and Mulla and Craigie Blunt and Caroe for Defendants.

CORAM : D.K. DESHMUKH J.

DATE : 21ST APRIL 2006.

P.C. :-

1. The order passed by the Court in clear terms states that in the absence of any written statement, averments made in the plaint are accepted at their face value and the decree has been passed. In view of the observations of the Division Bench in its judgment in the case of Dhanwantrai R. Joshi and others v/s Satish J. Dave and others, reported in 1999(1) Bom.C.R. 97, this will be a decree passed under Order 8 Rule 5 of C.P.C. and therefore, motion for setting aside that decree is not maintainable. Notice of motion is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.